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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FILED  
HARRISBURG, PA

APR 11 2002

MARY E. D'ANDREA, CLERK  
Per MB

PENNSYLVANIA PROTECTION AND  
ADVOCACY, INC.

Plaintiff

v.

: No. 1:00-CV-01582

DEPARTMENT OF PUBLIC WELFARE, et al.: (Judge Caldwell)  
Defendants

**UNOPPOSED MOTION FOR SECOND ENLARGEMENT OF TIME TO  
FILE BRIEF AND STATEMENTS OF MATERIAL FACTS**

Defendants hereby move the court pursuant to Fed. R. Civ. P. 6 (b), for a second enlargement of time in which to file their brief and statements of material fact in support of their motion for summary judgment and in opposition to plaintiff's motion for partial summary judgment. In support of this motion, defendants assert the following:

1. On or about January 14, 2002, plaintiff filed a motion for partial summary judgment. Along with the motion, plaintiff filed a supporting brief and a statement of material facts. Defendants filed a motion for

summary judgment on February 11, 2002.

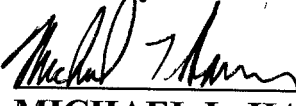
2. On January 22, 2002, following a scheduling conference, this Court directed that defendants file their brief in support of defendants' motion for summary judgment and in opposition to plaintiff's partial summary judgment motion on or before March 11, 2002.
3. Subsequently, upon defendants' motion, on February 26, 2002, this court granted an enlargement of time until April 11, 2002, for defendants to file their brief and statements of fact on the motion.
4. Counsel for defendants have been diligently working on the briefs and statements of fact. Despite their best efforts, the brief and statements are not yet completed to be filed by April 11, 2002. Among other problems, a secretary who was working on the brief was required to take time off due to a death in the family.
5. Defendants require a short period of additional time to complete the brief and statements of fact. Accordingly, defendants request a four day enlargement of time until Monday, April 15, 2002.
6. Counsel for plaintiff concurs in this motion.

**WHEREFORE**, defendants respectfully request an enlargement of time to file their brief and statements of fact in support of their motion for summary judgment and in opposition to plaintiff's motion for partial summary judgment.

**Respectfully submitted,**

**D. MICHAEL FISHER**  
**Attorney General**

**BY:**

  
**MICHAEL L. HARVEY**  
**Senior Deputy Attorney General**

**SUSAN J. FORNEY**  
**Chief Deputy Attorney General**  
**Chief, Litigation Section**

**15<sup>th</sup> Floor, Strawberry Square**  
**Harrisburg, PA 17120**  
**PHONE: (717) 783-6896**  
**FAX: (717) 772-4526**

**DATE: April 11, 2002**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**PENNSYLVANIA PROTECTION AND  
ADVOCACY, INC.**

**Plaintiff**

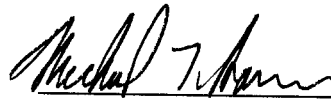
**v.**

**DEPARTMENT OF PUBLIC WELFARE, et al.: (Judge Caldwell)**  
**Defendants**

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**CERTIFICATE OF CONCURRENCE**

I, Michael L. Harvey, Senior Deputy Attorney General, hereby certify that  
concurrence was sought from plaintiff's counsel, who has concurred in the motion.



**MICHAEL L. HARVEY**  
**Senior Deputy Attorney General**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**PENNSYLVANIA PROTECTION AND  
ADVOCACY, INC.**  
**Plaintiff**

**v.**

**DEPARTMENT OF PUBLIC WELFARE, et al.: (Judge Caldwell)**  
**Defendants**

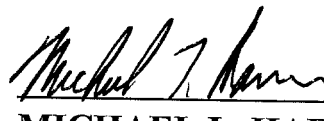
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**CERTIFICATE OF SERVICE**

I, Michael L. Harvey, Senior Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on this date, I caused to be served a true and correct copy of the foregoing by depositing it in the United States mail, first-class postage prepaid to the following:

Robert W. Meek  
Disabilities Law Project  
1315 Walnut Street  
Suite 400  
Philadelphia, PA 19107

Mark J. Murphy  
Disabilities Law Project  
1901 Law and Finance Building  
429 Fourth Avenue  
Pittsburgh, PA 15219-1505



**MICHAEL L. HARVEY**  
Senior Deputy Attorney General

DATE: April 11, 2002